

10-11-05

AF/2825

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/634,045
		Filing Date	August 8, 2000
		First Named Inventor	Drew Eric Wingard
		Art Unit	2825
		Examiner Name	Thompson, Annette M.
Total Number of Pages in This Submission	12	Attorney Docket Number	2998P011

ENCLOSURES (check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
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Signature	
Date	October 6, 2005

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Attorney's Docket No.: 2998P011

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Drew Eric Wingard

Application No.: 09/634,045

Filed: August 8, 2000

For: Logic System With Configurable Interface

Examiner: Thompson, Annette M.

Art Unit: 2825

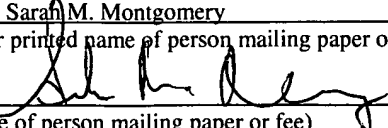
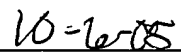
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SUPPLEMENTAL APPEAL BRIEF

Sir:

This is a Supplemental Appeal Brief regarding the appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2825, dated April 19, 2004, which finally rejected Claims 12-22 in the above-identified application.

This Supplemental Appeal Brief includes an Evidence Appendix and a Related Proceedings Appendix, which are required under 37 C.F.R. § 41.39(c), but were not included in the Appeal Brief filed on December 27, 2004. No other new information is included in this Supplemental Appeal Brief.

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## **I. REAL PARTY IN INTEREST**

The real party in interest is the assignee of the full interest in the invention, Sonics, Inc., 2440 W. El Camino Real, Suite 620, Mountain View, California 94040.

## **II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

## **III. STATUS OF CLAIMS**

Claims 12-22 are pending in the application and were finally rejected in an Office Action mailed April 19, 2004. Claims 12-22 are the subject of this appeal. A copy of Claims 12-22, as they stand on appeal are set forth in Appendix A. Appellant notes that these claims are presented as amended in Appellant's Response to Final Office Action, filed August 17, 2004.

## **IV. STATUS OF AMENDMENTS**

An amendment was filed on August 17, 2004, subsequent to the Final Office Action mailed April 19, 2004. The Advisory Action mailed October 18, 2004 did not indicate whether the proposed amendments would be entered for purposes of Appeal. Appellant submits that the amendment filed on August 17, 2004 should be admitted for purposes of Appeal, since the claim amendments made therein were to comply with a requirement of form expressly set forth in the Final Office Action mailed April 19, 2004, and were also made to present the rejected claims in better form for consideration in the present Appeal. (37 C.F.R. §41.33(a)).

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 12 claims a new computer core having an interface to communicate with other cores. (Figure 2B). The interface contains a plurality of interface signal carriers that are configurable, at compilation, such that at least one of the interface signal carriers is selectively physically present in the interface or not physically present. Not physically present means that a route connection is not generated for an interface signal carrier selected to be not physically present. (Specification, page 7, lines 11- 25; Figure 2B).

Independent claim 16 claims a core on a system on a chip having an interface. (Figure 2B). The interface contains a plurality of interface signal carriers that are configurable, at compilation, such that a first interface signal carrier of the plurality of interface signal carriers is configurable to support different levels of functionality for the interface. (Specification, page 7, lines 11- 25; Figure 2B).

Independent claim 19 claims a method for generating at compilation a core interface for a system on a chip to enable re-use of the core with a different interface configuration. (Figure 6). Configurable source code representative of the core interface for the system on a chip and identifying parameters of the core interface is provided. Configuration parameters of the core interface are defined. The core interface for the system on a chip from the configurable source code representative of the core interface and the identified parameters of the core interface configurable in accordance with the defined configuration parameters of the core interface are generated. (Specification, page 9, line 21 – page 10, line 17).

## **VI. ISSUES TO BE REVIEWED ON APPEAL**

I. Claims 12-22 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 6,510,546 by Blodget (hereinafter “Blodget”).

## **VII. ARGUMENT**

### **I. Appellant's 37 CFR 1.131 Declaration is Sufficient to Overcome the Blodget Reference.**

Claims 12-22 stand or fall together. Claim 12 is the representative claim.

Blodget qualifies as prior art only under 35 U.S.C. § 102(e) because its filing date of July 13, 2000 is earlier than Appellant's filing date of August 8, 2000, and its issue date of January 21, 2003 is later than Appellant's filing date. Appellant submitted a Declaration under 37 C.F.R. § 1.131 on August 17, 2004, with accompanying Exhibits, to establish that the invention as claimed in claims 12-22 was reduced to practice prior to the July 13, 2000 filing date of Blodget. Therefore, Blodget is not available as prior art under 35 U.S.C. § 102(e).

In the Advisory Action mailed October 18, 2004, the Examiner indicated that the Declaration filed did not place the application in condition for allowance because "a review of the declaration under 37 CFR 1.131 and evidence submitted therein raises questions regarding the 35 USC 102(b) bar to patentability based upon public use or sale one year prior to the filing of the instant application." (Advisory Action of 10/18/2004, page 2). The Examiner did not indicate, in the Advisory Action or in subsequent telephone conversations, exactly what portions of the Declaration raised 35 U.S.C. §102(b) questions. Appellant notes that among the Exhibits submitted with the Declaration filed on August 17, 2004, all but two dates were redacted from the Exhibits.<sup>1</sup> The two revealed dates, September 16, 1999 and September 7, 1999, are the publication dates of two press releases presented as Exhibits E and F, respectively. Appellant notes that neither of these dates are more than one year prior to the filing date of the present application, which is August 8, 2000.

Appellant appreciates the Examiner's obligation under MPEP §715.10 to review the declaration for acts constituting statutory bars. However, given that Appellant's Declaration

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<sup>1</sup> Appellant notes MPEP § 715.07(II), which states that "if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date."

effectively overcomes the 35 U.S.C. §103(a) rejection over Blodget, if the Examiner felt there were 35 U.S.C. §102(b) issues, the appropriate course of action would have been for the Examiner to reopen prosecution, withdrawing the 35 U.S.C. §103(a) rejection and issuing a 35 U.S.C. §102(b) rejection accompanied by detailed reasoning therefore.

Appellant accordingly submits that the rejection of claims 12-22 under 35 U.S.C. § 103(a) over Blodget should be withdrawn, since the Blodget reference has been overcome. The Applicants' request that the Board decree some finality to the prosecution of this patent application. This patent application received its first office action on 4-30-2002. The patent application has had three separate telephonic interviews with examiners, several Request for Continued Examinations, and five rounds of office actions and amendments. The substantive merits of the claims were discussed and even indicated by at least one of the telephonic interview summaries that the claims were definitely different than the prior art. However, after the third telephonic interview and subsequent amendment resulting from that negotiation, the examiner issued another office action rejection based on new art. The new art did not disclose Applicants' claimed invention. However, Applicants attempted to end the prosecution of this case by submitting a 1.131 declaration including its supporting documentation rather than proliferate the continuing cycle of discussing the substantive merits of the current claims. Since that point, the thoroughly discussed substantive merits of the current claims have not been advanced. If the Board feels the 1.131 declaration including its supporting documentation are sufficient to establish an invention date prior to the reference's priority date, then the Applicants' request that the Board decree a Notice of Allowance for this patent application.

## **VIII. CONCLUSION**

For the reasons stated above, the rejection of claims 12-22 under 35 U.S.C. § 103(a) over Blodget should be withdrawn. Appellant respectfully requests that the Board reverse the rejections of the claims under 35 U.S.C. §103(a), and since there are no remaining grounds of rejection to be overcome, direct the Examiner to enter a Notice of Allowance for Claims 12-22.

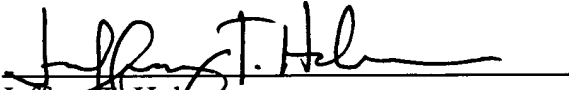
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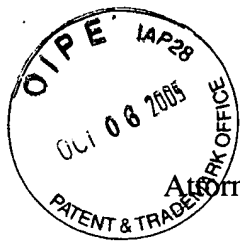
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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APPEAL BRIEF – EVIDENCE APPENDIX

This Evidence Appendix includes the following documentation that was submitted during prosecution pursuant to 37 C.F.R. § 1.31:

Invoice (1 page)

Purchase Order (1 page)

User Reference Manual, including:

Cover Pages (2 pages)

Table of Contents (3 pages)

Chapter 3 – selected portions (3 pages)

Chapter 5 – selected portions (16 pages)

Reed Business Information Article (1 page)

EE Times Article (3 pages)





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APPEAL BRIEF – RELATED PROCEEDINGS APPENDIX

There are no related proceedings and therefore no documentation to be included in this Related Proceedings Appendix.